United Nations S/2000/981

Security Council

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Letter dated 10 October 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 9 October 2000 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq. The Minister addresses instances of the injustice and aggression to which Iraq is being subjected; he calls for a review of the compensation regime in the light of international law and for the acknowledgement of Iraq's right to claim compensation from the countries engaged in aggression against it for the consequences of that aggression; and he urges that the no-flight zones be condemned and that the United States, the United Kingdom and the countries that provide the logistic facilities for their aggression, namely Saudi Arabia, Kuwait and Turkey, should be made to bear full international responsibility, including responsibility for the payment of compensation to Iraq.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative

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Annex to the letter dated 10 October 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

I am writing to you in order to call attention to the enormous and unreasonable claims for compensation that have been submitted by Kuwait, a matter that can only be characterized as the plundering of Iraq's assets and the impoverishment of its people.

These claims and others of the same kind made by countries and corporations and regrettably approved by the Compensation Commission established by the Security Council confirm the bitter reality, namely that the compensation regime imposed on Iraq bears no relation to international law, to say nothing of justice, truth and fairness, as is also the case with the resolution on which it is based. In the nature of things, this would not have come about if the issue had been handled on the basis of international law and in accordance with the principles of justice and fairness.

The Security Council established the Compensation Commission in 1991 in a manner that had no precedent in international intercourse or in customary international law or treaty law. It established a precedent that had no counterpart in the history of the United Nations. This took place in circumstances where the international equilibrium had been impaired and the logic of justice was missing from the resolutions of the Security Council, under the influence of United States hegemony over the Council and its resolutions, and on the basis of motives of vengeance on the part of the United States intermixed and conflated with Zionist leanings against Iraq.

The mechanisms for the functioning of the Compensation Commission as recommended in the report of the Secretary-General of 2 May 1991 (S/22559) violate all the principles and norms of international responsibility, particularly those for determining levels of compensation for States claiming to have suffered damage or loss. This has had consequences that are at variance with the spirit and with the purposes and principles of the United Nations. Iraq, the party directly concerned in the matter, is deprived of its legitimate right to participate directly in the work of the Compensation Commission and of its panels and to be able to defend its rights before the Governing Council and its subsidiary bodies.

This right, its availability and its exercise, is the minimum acceptable if justice and fairness are to be ensured, and it is their backbone. Iraq has also been deprived of the right to be informed of all claims and to comment on them. Even in the rare cases where claims have been referred to it, Iraq has not been given sufficient time to study them and comment on them. This is to say nothing of the fact that no genuine hearings are held that Iraq is invited to attend in order to make its views heard. The decisions reached in compensation cases against Iraq can therefore only be characterized as biased and unjust and as not complying with the norms of international law and the principles of justice. They have been formulated in accordance with Machiavellian political principles based on a narrow vision of opportunism and power.

The enormous Kuwaiti claims submitted to the United Nations Compensation Commission were constructed on flimsy foundations but resulted in awards of billions of dollars with the manifest support of the United States and the United Kingdom. There are other claims on which decisions are still awaited, all of them

for large sums. There can be no doubt that this is likely to weigh on Iraq and to plunder its wealth for a long time to come, thereby exacerbating the human suffering caused by the unjust embargo that has been maintained against the country for more than 10 years.

We regard all of these decisions as unlawful, biased, unjust and unprecedented, and you are invited to discuss this matter with Iraq. Iraq should be accorded the weight it deserves in view of the fact that it is the party that must bear the burden of paying the so-called compensation, a responsibility that is greater than that of all the other parties involved.

Connected with this matter in terms of the attendant approaches, objectives and consequences is that of the daily, brutal aggression of the United States and the United Kingdom — maintained against us now for 10 years without having had any basis in any Security Council resolution — whose aircraft carry out raids on Iraqi territory every day from bases in Saudi Arabia, Kuwait and Turkey.

Saudi Arabia, Kuwait and Turkey provide these aircraft with logistic support and with every facility for their daily aggression against Iraq.

The five countries involved in the aggression against Iraq are clearly violating the Charter of the United Nations. According to the norms of international law, they are key accomplices in this aggression and they thus bear full international responsibility. Accordingly, all five of these countries are liable for all the damage they have done and continue to do to Iraq's people and to public and private property in the country. They will have to pay appropriate compensation, in material and moral terms, for such damage in accordance with the same principles on the basis of which the Security Council resolutions condemning Iraq to pay compensation were adopted. Otherwise, the basis on which these resolutions against Iraq were adopted is unlawful when the conduct of the Security Council is based on selectivity and not on the principles of the Charter. In accordance with the principles of international responsibility, Iraq reserves in full its right under international law to claim from these countries compensation for all the damage — human, material and moral — attributable to this constant, daily aggression.

On the basis of the foregoing, the Government of Iraq calls for the actions described hereunder.

1. There should be a review of the compensation regime from the ground up in the light of international law.

2. The countries involved in aggression against Iraq should bear full international responsibility for their violation of the provisions of the Charter of the United Nations, the principles of international law and the relevant Security Council resolutions; and Iraq's right to claim compensation from these countries for all the damage it has sustained as a result of their aggression should be acknowledged.

3. In view of the fact that the establishment of the two no-flight zones in Iraq was an illegal act on the part of the United States and the United Kingdom and has no basis in the Charter of the United Nations or in international law, whether treaty law or customary law, and is thus null and void, both duty and legal responsibility require the Security Council to adopt a resolution condemning the action taken. Should the United States or the United Kingdom decide to use their veto, the members of the Security Council and the other countries of the world are urged to

condemn this wanton, daily aggression on the part of the United States and the United Kingdom. This should have the effect of:

(a) Requiring the United States and the United Kingdom to bear international responsibility for imposing the two no-flight zones, for the violation by their aircraft of Iraq's airspace and for the strikes they have directed against targets inside Iraq in violation of international law and the Charter of the United Nations together with their consequences, including responsibility for the payment of compensation to Iraq for the damage thereby done to it; and

(b) Requiring Saudi Arabia, Kuwait and Turkey to bear full international responsibility for having provided logistic facilities for the United States and British aircraft using their territories to attack Iraq, including responsibility to pay compensation to Iraq for the damage done to it as a result their having done so.

(*Signed*) Mohammed Said **Al-Sahaf**
Minister for Foreign Affairs of the Republic of Iraq

United Nations

S/2000/982

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Letter dated 11 October 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to convey hereunder our comments on the allegations and lies contained in the letter dated 18 September 2000 from the Permanent Representative of Kuwait addressed to you (S/2000/876).

In his letter, the representative of Kuwait tries to sow confusion by distorting the facts and inflating matters with regard to statements that are of a technical character and seek to limit Kuwaiti encroachments on Iraq's oil, which is being systematically misappropriated on a daily basis, and he makes a shameful attempt to cloak the actions being taken with mendacious allegations of security-related and military threats that are not to be found in the statements of Iraqi oil officials. What Iraq did was to speak of a plan for technical measures to halt the theft by drilling wells on the Iraqi side in order to halt the transfer of oil and to present irrefutable facts backed by documents, maps, reservoir data, the monitoring of well pressures and movements of drilling and completion rigs on the Kuwaiti side. All of these indicate that Kuwait is stealing and plundering Iraqi oil. Iraq's evidence for this is set forth hereunder.

I. Some Iraqi oilfields extend into Kuwaiti territory, and they include the Rumaylah South and Zubayr fields. Rumaylah extends into the Ratkah area and Zubayr into the Safwan (Abdali) area. Kuwait had few wells in these two fields, only eight in Ratkah and four in Safwan (Abdali). Production from the fields on the Kuwaiti side was modest because the oil there was associated with large quantities of water, and prior to 1990 it was no more than a few thousand barrels a day. After the new boundary demarcation, however, as a result of which many Iraqi oil wells in both fields fell beyond the boundary line, Kuwait proceeded to make announcements and to invite American and British companies to sign long-term contracts for the exploitation of its fields in the north, and these included the two fields in question.

The companies began intensive activity in 1995 and started work by bringing in heavy drilling and completion equipment to work directly on the Iraqi wells that were now beyond the berm marking the new boundary. Frenzied and extensive drilling and completion activity was noted in these two border areas, as was evident from movements of drilling and completion rigs the like of which the area had never seen before. By way of example, 11 completion rig movements and eight drilling rig movements were observed between July 1997 and July 1998 at a location no more than four square kilometres in area in the Ratkah field in the section that had passed to Kuwait and was positioned over the southern extension of the Upper Sujayl reservoir.

By monitoring the situation, Iraq noted almost constant activity and the sinking of wells no more than 50 metres from the boundary line using advanced drilling

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techniques to double the output of old and new wells in the Ratkah and Safwan Dome fields in the border area. There came to be 23 wells, drilled and announced, in Ratkah and 17 in Safwan (Abdali).

As a result of the intensive drilling work and the use of new technologies by the American companies, Kuwait was able to achieve a four-fold increase in production from the Ratkah field over the 1990 level, reaching 45,000 barrels a day. Similarly, in the Safwan field production rose to 33,000 barrels a day. This caused a fall in reservoir pressure and a transfer of oil from the Iraqi side to the Kuwaiti side that is estimated in the reservoir studies conducted by Iraq at more than 50 million barrels at an annual rate of not less than 25 million barrels. Kuwait has exploited the conditions created by the embargo and the suspension by the Security Council Committee established by resolution 661 (1990) of all contracts for the drilling of oil wells and for the related supplies and equipment, and this has rendered Iraq powerless and unable to halt the systematic plunder or to implement plans for technical countermeasures to halt the transfer of oil.

2. The rates of depletion assumed by Kuwait for the northern fields (Rawdatayn, Sabiriyah, Bahrah, Manaqish and Umm Judayr) vary between 0.8 and 1 per cent of the remaining reserve per year while it assumes high depletion rates for the Ratkah and Safwan fields at more than 10 times the regular rates. Production from the two fields reaches 30 million barrels a year from a combined declared reserve of no more than 300 million barrels. This violates prevailing professional practice for the optimum exploitation of stocks and provides another indication of theft. It can also be explained as being due to Kuwait's frenzied activity in depleting the shared fields without any consideration for the major adverse consequences for the oil reservoirs, inasmuch as the main objective is to exhaust the fields unilaterally at the fastest possible rate and thence bring about the transfer of Iraqi oil and a fall in reservoir pressure without regard for the technical or moral implications.

The statements made by Kuwaiti officials and their endeavour to incite others against Iraq are to be regarded only as an attempt to cover up the thefts they are perpetrating. They claim that the drilling is taking place in Kuwaiti territory, but the modern drilling techniques in use and the confirmed information available to Iraq indicate that Kuwait is engaging in lateral drilling that extends for several kilometres into the Iraqi reservoirs beneath the surface of the earth. This would explain the high production levels achieved and announced by Kuwaiti officials and the Kuwaiti media, which are estimated to be in the order of 80,000 barrels a day for both fields, when prior to 1990 the Kuwaiti wells had been almost dry and had ceased production because of the high levels of reservoir water they contained.

Accordingly, we call upon Kuwait to comply with the provisions of the international agreements and conventions that regulate relations between States in the domain of oilfield exploitation and not to try to conceal its violations of those provisions by means of contrived media hype concerning imaginary and unsubstantiated threats.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative

United Nations S/2000/983

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Letter dated 11 October 2000 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 11 October 2000, received from the Director General of the International Atomic Energy Agency (IAEA) (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Letter dated 11 October 2000 from the Director General of the International Atomic Energy Agency addressed to the President of the Security Council

In accordance with paragraph 16 of resolution 1051 (1996), the Director General of the International Atomic Energy Agency (IAEA) is requested to submit consolidated progress reports every six months to the Security Council commencing 11 April 1996,[1] on the Agency's verification activities in Iraq pursuant to paragraphs 12 and 13 of resolution 687 (1991) and other related resolutions.

As has been previously reported, the Agency has not been in a position, since 16 December 1998, to implement its mandate in Iraq under the relevant Security Council resolutions. It is thus unable to provide any measure of assurance with regard to Iraq's compliance with its obligations under those resolutions.

From 23 to 25 May 2000, the Agency was able to complete the destruction, in Jordan, of a filament-winding machine and its associated spare parts and raw materials owned by Iraq. Iraq initiated procurement of this equipment and material in mid-1990 for use in its clandestine uranium enrichment gas centrifuge programme. The machine was received in Jordan in July 1991, and remained stored there until May 2000 (see S/1996/261 and S/1996/833 for details of the origin and whereabouts of those items).

Since the establishment of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), contacts have been maintained between the Agency and UNMOVIC in order to coordinate efforts as required under the relevant Security Council resolutions, including resolution 1284 (1999). The Joint Unit related to the export/import mechanism approved by resolution 1051 (1996) has been reconstituted, and its modus operandi, with regard to staffing, shared data and secure communication, defined. A revision and updating of the nuclear-related list of items and technology to which the mechanism applies (annex 3 to the Agency's ongoing monitoring and verification plan) has been initiated by the Agency. A final draft is currently being prepared, after technical changes with relevant experts from UNMOVIC and Member States.

During the past six months, the Agency has also refined the structure and content of its information system in the areas of computer support to inspections and analytical tools. An enhanced analysis of the available original Iraqi documentation has also continued, as well as an assessment of the results accumulated through the past inspection process. These analytical activities have confirmed the validity of the Agency's technically coherent picture of Iraq's past clandestine nuclear programme.

The Agency remains prepared to resume verification activities in Iraq under the relevant Security Council resolutions at short notice. If it were to resume verification activities in Iraq, and provided that it could satisfy itself that Iraq's past and present nuclear activities and nuclear assets have not changed since December 1998, the Agency would be in a position to move to the full implementation of its ongoing monitoring and verification plan. This plan, as designed, would enable the Agency to investigate the few remaining questions and concerns that relate to Iraq's

past clandestine nuclear programme, along with any other aspect of this programme that may come to its knowledge.

Finally, if the Agency were unable in the near future to resume verification activities in Iraq under the relevant Security Council resolutions, it would have to initiate, pursuant to the Safeguards Agreement with Iraq, in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons, and as I explained in my letter to the President of the Council of 10 December 1999 (S/2000/120 of 15 February 2000), another physical inventory verification of the nuclear material subject to safeguards in the coming months.

I should be grateful if you would kindly arrange for this report to be distributed as a document of the Security Council.

(*Signed*) Mohamed **El Baradei**

Notes

[1] The previous consolidated reports of the Director General of IAEA were circulated in documents S/1996/261 of 11 April 1996, S/1996/833 of 7 October 1996, S/1997/297 of 11 April 1997, S/19997/779 of 8 October 1997, S/1998/312 of 9 April 1998, S/1998/927 of 7 October 1998, S/1999/393 of 7 April 1999, S/1999/1035 of 7 October 1999 and S/2000/300 of 11 April 2000. Document S/1998/694, dated 27 July 1998, contained the text of an interim status report provided in response to the statement of the President of the Security Council of 14 May 1998 (S/PRST/1998/11). Document S/1999/127, dated 9 February 1999, contained the text of an interim status report provided in response to the note by the President of the Security Council dated 30 January 1999 (S/1999/100).

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General Assembly
Fifty-fifth session
Agenda items 36, 40, 41 and 85

Security Council
Fifty-fifth year

Bethlehem 2000

The situation in the Middle East

Question of Palestine

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Identical letters dated 12 October 2000 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel, the occupying Power, has taken military actions today tantamount to the declaration of an overall war against the entire Palestinian people, which is already under military occupation. In the last few hours, the Israeli occupying forces have encroached Palestinian cities, dramatically increasing their presence in the vicinities of these cities, and fired rockets from helicopter gunships and Israeli military ships to destroy several official Palestinian locations in Ramallah and near Gaza City. These violent military actions have resulted in the heavy loss of Palestinian lives and the severe destruction of property in wholly civilian areas in the Occupied Palestinian Territory.

All such Israeli actions are grave violations of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. They are in violation of all norms of international law, including the resolutions of the United Nations, and of the agreements reached between the two sides in the context of the Middle East peace process. They also threaten to plunge the whole region into a serious confrontation.

We call for an immediate meeting of the Security Council and immediate action by the Council to bring an end to these illegal military actions and the extremely dangerous situation that has developed.

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I should be grateful if you would arrange to have the text of this letter distributed as a document of the General Assembly, under agenda items 36, 40, 41 and 85, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations S/2000/985

Security Council

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12 October 2000

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Identical letters dated 12 October 2000 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and to the President of the Security Council

I wish to draw your attention to the grave developments which have taken place today in territories under the control of the Palestinian Authority.

This morning, two Israeli reserve soldiers were brutally murdered after they mistakenly entered the Palestinian-controlled town of Ramallah. The soldiers were apprehended by Palestinian police and brought to their headquarters, at which time a violent mob of Palestinians infiltrated the complex, tortured the soldiers, and murdered them in cold blood. The entire world watched with disgust as this horrific event unfolded with the full knowledge of Palestinian security forces. There is no doubt that this event could have been prevented had the security forces fulfilled their duty and their obligation to halt the advancing mob.

In responding to this attack, Israel exercised a tremendous amount of restraint, taking care to prevent the loss of life as much as possible. In attacking the Palestinian police headquarters in Ramallah where the soldiers were murdered, not only did the Israeli Defence Forces take steps to prevent damage to surrounding areas, but went so far as to provide advance warning to the Palestinian Authority to evacuate personnel from the buildings.

Chairman Arafat has inaccurately labelled these retaliatory strikes a declaration of war. This is sheer nonsense. Israel has no interest in "declaring war" on the Palestinian people, and it serves no one's interest for Mr. Arafat to portray it as such. Israel is meeting its obligation under international law to maintain order in the area and to protect its citizens.

It must be emphasized that this morning's lynching is only the latest in a series of Palestinian attacks that have occurred since the last meeting of the Security Council. As with other events of the past week, these events are not occurring spontaneously. The Palestinian Authority, rather than using its position to calm the atmosphere and urge restraint, has increasingly made use of its official television and radio to incite its people to violent attacks on Israeli citizens and soldiers. Israel has repeatedly called upon Chairman Arafat to fulfil his obligations under our agreements and to cease all forms of incitement and calls to violence. He has thus far failed to do so.

In another disturbing development, the Palestinian Authority has freed scores of Hamas prisoners who had been convicted in Palestinian courts of committing

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violent acts against Israelis. Members of Hamas and Islamic Jihad were invited to participate in a meeting of the Palestinian Cabinet, an act which legitimizes their commitment to terrorism as an alternative to peaceful negotiations.

These actions point to a dangerous pattern of behaviour by the Palestinian leadership. They are sending a clear signal to their people, to Israel, and by now to the world, that they are choosing the path of violence. The release of terrorists with blood on their hands will certainly be interpreted by other extremist groups as a green light to commence attacks on Israelis. Responsibility for these and any future terror attack lie firmly with the Palestinian Authority. We call yet again upon the Palestinian leadership to rein in their police and security forces, as well as their militias. We insist that the Palestinians act to restrain the violent mobs, and to restore peace and security.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative of Israel to the United Nations